

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

)	
In re)	Chapter 11
)	
DPH HOLDINGS CORP., <i>et al.</i> ,)	Case No. 05-44481 (RDD)
)	Jointly Administered
)	
Reorganized Debtors.)	

**ORDER DENYING JAMES B. SUMPTER’S EXPEDITED
REQUEST FOR PRELIMINARY INJUNCTION TO PROHIBIT
DPH FROM TERMINATING SALARIED DISABILITY PLAN**

Upon James B. Sumpter’s Expedited Request For Preliminary Injunction To Prohibit DPH From Terminating Salaried Disability Plan (the “Sumpter Preliminary Injunction Motion”),¹ filed with this Court on or about April 16, 2012; and this Court having considered certain correspondence submitted to this Court by the Reorganized Debtors in a letter dated April 17, 2012 (“Letter”) and an email response to said Letter from James B. Sumpter, dated April 17, 2012; and after due deliberation thereon and there not being a sufficient basis for granting expedited treatment of the Motion or the Motion itself for the reason stated below, it is hereby ORDERED THAT:

1. The Sumpter Preliminary Injunction Motion is denied, as the relief requested must be sought in an adversary proceeding pursuant to Fed. R. Bankr. P. 7001.
2. If Mr. Sumpter seeks relief within an adversary proceeding and this Court determines that to grant such relief it must disregard a final order or orders of this Court previously determined against Mr. Sumpter, Mr. Sumpter may be subject to sanctions.

¹ Sumpter’s Preliminary Injunction Motion was served on the Reorganized Debtors and on the Court on April 16, 2012. It has not yet, however, appeared on the Court’s docket.

3. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to the implementation of this order.

Dated: White Plains, New York
May 1, 2012

/s/Robert D. Drain
ROBERT D. DRAIN
U.S. BANKRUPTCY JUDGE